

-FILED-

(INND Rev. 8/16)

APR 18 2018

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

At \_\_\_\_\_ M  
ROBERT N. TIGOVICH, Clerk  
U.S. DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA

[Use this form to sue for employment discrimination. NEATLY print in ink (or type) your answers.]

Edgar H. Martinez

[You are the PLAINTIFF, print your full name on this line.]

v.  
HR. Director  
Lighthouse Academy

[The DEFENDANT is who you are suing.]

Case Number 218 CV 151 3

[For a new case in this court, leave blank.  
The court will assign a case number.]

[The top of this page is the caption. Everything you file in this case must have the same caption. Once you know your case number, it is VERY IMPORTANT that you include it on everything you send to the court for this case. DO NOT send more than one copy of anything to the court.]

EMPLOYMENT DISCRIMINATION COMPLAINT

1. My address is: 7601 Magnolia Ave, Hammond, Indiana 46324
2. My telephone number is: ( 219 ) 227-0636
3. The Defendant's address is: 719 Clark Rd, Gary, Indiana 46406
4. This action is brought for employment discrimination pursuant to:  
☐ Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17.  
[race, color, gender, religion, national origin]  
☐ Age Discrimination in Employment Act of 1967, 29 U.S.C. §§ 621 to 634.  
☒ Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12112 to 12117.  
☐ Other: \_\_\_\_\_
5. I filed a charge of discrimination with the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission on: July 07, 2017
6. The date on my Notice of Right to Sue letter is: February 13, 2018
7. The date I received my Notice of Right to Sue letter was: February 13, 2018

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

### CLAIMS and FACTS

DO: Write a short and plain statement using simple English words and sentences.

**DO NOT:** Quote from cases or statutes, use legal terms, or make legal arguments.

DO: Explain when, where, why, and how the defendant discriminated against you.

DO: Include every fact necessary to explain your case and describe your injuries or damages.

DO: Number any documents you attach and refer to them by number in your complaint.

**DO NOT:** Include social security numbers, dates of birth, or the names of minors.

DO: Number your paragraphs. *(The first paragraph has been numbered for you.)*

1. On June 13, 2017, I received an email from Vanessa Herrera, who works in Lighthouse Academy's human resources department. Ms. Herrera invited me to apply for an open high school math teacher position at Lighthouse Academy for the 2017-2018 school year. Per Ms. Herrera's instructions, I visited the Indeed website and formally applied for this position.
2. On June 19, 2017, at approximately 1:45 p.m. Ms. Herrera telephoned me. During our three-minute and 45-second conversation, she offered me a job interview, which we scheduled for the following day at 10 a.m. We discussed the materials I was expected to bring to the interview, and Ms. Herrera also provided Lighthouse Academy's address. I asked Ms. Herrera about the building's accessibility, as I use a wheelchair and cannot access stairs.
3. Approximately four hours after we scheduled the interview. Ms. Herrera left me a voicemail message stating the Lighthouse Academy had changed directions and would be interviewing other candidates. I believe Lighthouse Academy canceled my interview on the basis of disability, constituting illegal discrimination under Title I of the American with Disabilities Act (ADA).
4. I believe that I am a qualified applicant for the mathematics teacher position, and would have likely been awarded the job if I had been interviewed. However, after I mentioned that I was in a wheelchair Ms. Herrera from the Lighthouse Academy called me indicating me that the school was going in "a different direction". Therefore, I did not have the opportunity for a given interview. I am seeking prospective compensation pay for this position.

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

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RELIEF – If you win this case, what do you want the court to order the defendant to do?

I am seeking prospective pay in the amount of three year's salary for the position.

DOCUMENTS – I have attached a copy of the following documents: ,

☒ Charge Of Discrimination form filed with the Equal Employment Opportunity Commission or the Indiana Civil Rights Commission

☒ Notice of Right to Sue letter

☐ Other: \_\_\_\_\_

FILING FEE – Are you paying the filing fee?

☐ Yes, I am paying the \$400.00 filing fee. I understand that I am responsible to notify the defendant about this case as required by Federal Rule of Civil Procedure 4. *[If you want the clerk to sign and seal a summons, you need to prepare the summons and submit it to the clerk.]*

☒ No, I am filing a Motion to Proceed In Forma Pauperis and asking the court to notify the defendant about this case.

[Initial Each Statement]

☒ I will keep a copy of this complaint for my records.

☒ I will promptly notify the court of any change of address.

☒ I declare under penalty of perjury that the statements in this complaint are true.

Edgar Martinez  
Signature

04/18/2018  
Date

[DO NOT] write in the margins or on the back of any pages. Attach additional pages if necessary.]

EEOC Form 181-B (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## NOTICE OF RIGHT TO SUE (ISSUED ON REQUEST)

To: Edgar H. Martinez  
7601 Magnolia Avenue  
Hammond, IN 46324

From: Indianapolis District Office  
101 West Ohio St  
Suite 1900  
Indianapolis, IN 46204



On behalf of person(s) aggrieved whose identity is  
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

24E-2017-00153

Jeremy A. Sells,  
State & Local Coordinator

(317) 226-7221

(See also the additional information enclosed with this form.)

## NOTICE TO THE PERSON AGGRIEVED:

Title VII of the Civil Rights Act of 1964, the Americans with Disabilities Act (ADA), or the Genetic Information Nondiscrimination Act (GINA): This is your Notice of Right to Sue, issued under Title VII, the ADA or GINA based on the above-numbered charge. It has been issued at your request. Your lawsuit under Title VII, the ADA or GINA must be filed in a federal or state court WITHIN 90 DAYS of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)



More than 180 days have passed since the filing of this charge.



Less than 180 days have passed since the filing of this charge, but I have determined that it is unlikely that the EEOC will be able to complete its administrative processing within 180 days from the filing of this charge.



The EEOC is terminating its processing of this charge.



The EEOC will continue to process this charge.

Age Discrimination in Employment Act (ADEA): You may sue under the ADEA at any time from 60 days after the charge was filed until 90 days after you receive notice that we have completed action on the charge. In this regard, the paragraph marked below applies to your case:



The EEOC is closing your case. Therefore, your lawsuit under the ADEA must be filed in federal or state court WITHIN 90 DAYS of your receipt of this Notice. Otherwise, your right to sue based on the above-numbered charge will be lost.



The EEOC is continuing its handling of your ADEA case. However, if 60 days have passed since the filing of the charge, you may file suit in federal or state court under the ADEA at this time.

Equal Pay Act (EPA): You already have the right to sue under the EPA (filing an EEOC charge is not required.) EPA suits must be brought in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.

If you file suit, based on this charge, please send a copy of your court complaint to this office.

On behalf of the Commission



Enclosures(s)

Michelle Eisele,  
District Director

February 13, 2018

(Date Mailed)

cc: HR DIRECTOR  
LIGHTHOUSE ACADEMY  
725 Clark Road Street  
Gary, IN 46404



**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.  
If you also plan to sue claiming violations of State law, please be aware that time limits and other  
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),  
the Genetic Information Nondiscrimination Act (GINA), or the Age  
Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Courts often require that a copy of your charge must be attached to the complaint you file in court. If so, you should remove your birth date from the charge. Some courts will not accept your complaint where the charge includes a date of birth. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

**PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):**

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit before 7/1/10 -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

**ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:**

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

**ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:**

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

**IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.**

INDIANA  
**DISABILITY RIGHTS**

July 5, 2017

Mr. Edgar Martinez  
7601 Magnolia Ave.  
Hammond, IN 46234  
1edgar15@gmail.com

**VIA EMAIL**

Re: Your request for services

Dear Edgar,

On June 26, 2017; you contacted Indiana Disability Rights about alleged employment discrimination by Lighthouse Academy. As I understand it, you were offered an interview for an open math teacher position. However, after you mentioned that you use a wheelchair, someone from Lighthouse Academy called and indicated that the school was going in "a different direction." Nevertheless, the position for which you applied is still being advertised on the Lighthouse Academy website. You are now requesting that Indiana Disability Rights represent you in an employment discrimination claim against Lighthouse Academy.

Unfortunately, Indiana Disability Rights cannot provide the requested assistance at this time. We are a federally-funded agency with limited resources, and the grant under which your case would be worked is severely depleted. However, I would like to provide some suggestions for moving forward.

First, I recommend taking your case to a private attorney. You can contact your local Bar Association and request the names of local attorneys that practice employment discrimination law. You may also want to reach out to David Henn, an attorney with experience in this area that represents clients throughout Indiana. You can learn more about David here: <http://www.hhcfirm.com>. You can also contact him by telephone at 888-884-0041 or 317-885-0041.

Second, you may choose to proceed with an employment discrimination complaint against Northeastern Center independently. (You can also secure the assistance of a private attorney to help you file such a complaint.) You can file with either the U.S. Equal Employment Opportunity Commission (EEOC) or the Indiana Civil Rights Commission (ICRC). You can learn more about the EEOC process here: <http://www.eeoc.gov/employees/charge.cfm>. More about

Equality Through Advocacy  
The Protection and Advocacy System for the State of Indiana

4701 N Keystone Ave  
Suite 222  
Indianapolis IN 46205  
[IndianaDisabilityRights.org](http://IndianaDisabilityRights.org)

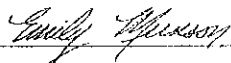
Phone: 317.722.5555  
Toll Free: 800.622.4845  
TTY: 800.836.1131  
Fax: 317.722.5564

the ICRC process can be found here: <http://www.in.gov/icrc/>. Please note that if you wish to file a complaint, you generally must do so within 180 days of the date discrimination occurred.

If you prefer to file a complaint independently rather than reach out to a private attorney, I am willing to review your complaint and provide technical assistance before you send it to the EEOC or ICRC. It is possible that our grant will receive additional funding in October 2017. At that time, you could call us again and request assistance. Because both the EEOC and ICRC move relatively slowly, it is possible that your case will not advance to mediation or a hearing before October.

Regardless of which option you choose, I realize our inability to provide representation is not the news you were hoping to receive. I have attached a copy of the Indiana Disability Rights Complaint Resolution Procedure, should you need that information. Please also note that, although we cannot be of assistance at this time, we hope that you will contact us in the future if you have any other disability rights related issues in need of resolution.

Sincerely,



Emily Munson  
Staff Attorney

Enc.: Complaint Resolution Procedure



## CITY OF GARY

**KAREN FREEMAN-WILSON**

Mayor

**DAYNA BENNETT**

Chief of Staff

**HUMAN RELATIONS COMMISSION**

839 Broadway • Suite S107

Gary, Indiana 46402 - 2500

(219) 883-4151 / (219) 881-5225 / Fax: (219) 882-0373



July 14, 2017

Mr. Edgar H. Martinez  
7601 Magnolia Avenue  
Hammond, Indiana 46324

**RE: FACT FINDING CONFERENCE  
NOTICE OF CHARGE OF DISCRIMINATION**

**Charge Numbers: 0717-183 & 24E-2017-00153**

**Respondent: Lighthouse Academy**

Dear Mr. Martinez:

You are hereby requested to appear and participate in a Fact Finding Conference scheduled for **August 17, 2017 at 10:00 a.m.** in the Gary Human Relations Commission office at, 839 Broadway Suite S 107 Gary, Indiana. The conference will be conducted by the Commission Representative named on the following page.

The Fact Finding Conference is an investigative forum intended to define the issues, to determine which elements are undisputed, clarify issues, to obtain evidence and to ascertain whether there is a basis for a Negotiated Settlement of the charge. Although it is not necessary, you may bring a lawyer with you to the conference. However, you may not send a substitute for yourself or bring persons not requested without permission from the Commission Representative in this charge.

The Commission encourages the parties to settle this charge on terms, which are mutually agreeable by means of a Negotiated Settlement prior to making of a determination by the Commission as to whether the allegations made in this charge are true.

The Commission will work with the parties to attain such Negotiated Settlement and if a settlement is made between the parties, the Commission will not issue a finding on the merits of the charge and will agree not to process this charge further.



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You may submit in writing a statement of position for settling this charge by Negotiated Settlement or you may call the Commission' Representative. Such information will be made a part of the file and will be considered by the Commission during the course of this investigation, except that settlement proposals will not be made public by the Commission or used as evidence in this or subsequent proceedings without the written consent of the parties concerned.

Charging Parties who fail to attend a scheduled conference or to cooperate in the scheduling of a conference can result in dismissal of the charge.

Any further correspondence on this matter, please use the charge numbers shown on the foregoing page. Inquiries should be directed to the representative named below.

The representative will see charging parties by appointment only. **Please contact said representative prior to coming to the Commission's office concerning this charge.**

Loretta Houston, EOS  
Commission Representative



(219) 883-4151  
Telephone Number

cc: Charge File

